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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 KEVIN DURAN HIGH,
11 Plaintiff,
12 v.
13 KIRK TORRES, et al.,
14 Defendants.

15 Case No. EDCV 15-2621 JFW(JC)

16
17 **ORDER DISMISSING ACTION**
18 **WITHOUT PREJUDICE**

19 On December 29, 2015, plaintiff Keven Duran High (“plaintiff”), who is in
20 custody and proceeding *pro se*, was permitted, pursuant to 28 U.S.C. § 1915, to file
21 the instant action without prepayment of the full filing fee of \$350.00, provided
22 plaintiff paid to the Clerk of Court: (1) an initial partial payment of the filing fee
23 (\$2.00) within thirty (30) days; and (2) subsequent monthly partial payments. Such
24 order expressly advised plaintiff that the failure to remit the initial partial filing fee
25 may result in dismissal of the case.

26 On July 18, 2016, the Court belatedly received an insufficient initial partial
27 payment (\$.15) from plaintiff. To date, the court has not received the balance of the
28 initial partial payment (\$1.85) or any other payments from plaintiff.

29 On April 4, 2017, the court issued an Order to Show Cause directing plaintiff,
30 within twenty-one (21) days, to show cause why this action should not be dismissed

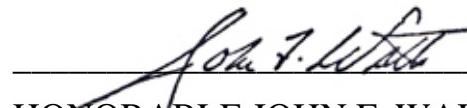
1 without prejudice due to plaintiff's failure to pay the full amount of the initial
2 partial payment of the filing fee and the subsequent partial payments of the filing
3 fee. The Order to Show Cause further directed that plaintiff's response to the Order
4 to Show Cause specifically include a certified copy of plaintiff's prison trust
5 account statement for the last sixty (60) days. It also expressly cautioned plaintiff
6 that the failure timely to file the foregoing documents may lead to dismissal without
7 prejudice of this action.

8 Plaintiff's deadline to file a response to the Order to Show Cause expired on
9 April 25, 2017. To date, plaintiff has failed to pay the full amount of the initial
10 partial payment of the filing fee and to pay any subsequent monthly partial
11 payments as required by 28 U.S.C. § 1915 and the December 29, 2015 order, and
12 has failed to respond to the Order to Show Cause or to provide the court with a
13 certified copy of his prison trust account statement for the last sixty (60) days. As
14 noted above, plaintiff has already been cautioned that his failure to perform such
15 acts may result in the dismissal of this action.

16 IT IS THEREFORE ORDERED that this action is dismissed without
17 prejudice and that judgment be entered accordingly .

18 IT IS SO ORDERED.

19 DATED: May 11, 2017

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22 HONORABLE JOHN F. WALTER
23 UNITED STATES DISTRICT JUDGE
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